

Yacovone, Krista

From: Cardiello, Frank
Sent: Thursday, February 25, 2016 5:00 PM
To: Hatfield, William S.; Otero, Camille V.
Subject: CERCLA 104e Request to Ashland, ISP and IES
Attachments: Ltr to Gibbons Modifying 104e Questions.docx.pdf

Dear Bill and Camille

Please see the attached letter. Let me know if you have questions. Regards, Frank Cardiello



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

February 25, 2016

Camille V. Otero, Esq.
William S. Hatfield, Esq.
Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102-5310

Re: EPA Request for Information in the Matter of LCP Chemicals, Inc. Superfund Site

Dear Counsel:

When spoke on February 17, 2016, I agreed to review the questions included in the January 19, 2016 EPA Request for Information (104e Request) sent to Ashland Inc., ISP Environmental Services, Inc. and International Specialty Products, Inc.

After reviewing the 104e Request questions, EPA agrees to the following modifications:

Questions 1 and 2 – No change. I assume that the insurance policies requested would not be voluminous and should be readily available for production. If the volume of these policies exceeds one document-sized box, kindly advise and I will make arrangements to review the documents prior to your production.

Question 3 Modified to read:

~~Identify all payments by or~~ Provide copies of all settlements with any insurer which relates in any way to environmental liabilities and/or to the policies referenced in Questions 1 and 2 above, including:

- a. The date of the payment or settlement;
- b. The scope of release provided in connection with such payment or under such settlement;
- c. The amount of money paid by the insurer.

~~Provide copies of all correspondence relating to such payment or such settlement agreements.~~

Question 4 Modified to read:

4. Provide copies of all communications ~~Identify all communications and provide all records and documents that evidence, refer, or relate to claims made in connection with the GAF and/or the LCP Linden Sites~~ by or on behalf of: G-1 Holdings Inc., GAF Chemical Corp., GAF Corporation or their successors or predecessors, or; Ashland Inc., International Specialty Products, Inc., ISP Environmental Services, Inc. or their successors or predecessors, with any insurance companies that evidence, refer, or relate to claims made or costs incurred in connection with the LCP Linden Site under any insurance policy referenced in Questions 1 and 2 above. Include any responses from the insurer with respect to any claims.

Question 5 - unchanged

Question 6 is modified to read:

6. Provide copies of all records and documents:

- a. prepared during the time period **January 1, 1988 to December 31, 1991**, that define, characterize, describe or otherwise explain the meaning of the following terms **as those terms are used in the attached Exhibit A and Exhibit B:**
 - i. "Chemicals Business" (See Exhibit A, Paragraph 4(i).)
 - ii. "Specialty Chemicals" (See Exhibit A, Paragraph 4(i).)
 - iii. "Linden Site" (See Exhibit B, Schedule of Liabilities and Obligations.)
- b. prepared prior to **January 1, 2012**, that define, characterize, describe or otherwise explain the meaning of the term "**Project Aware**" as that term is used in the attached Exhibit A, Paragraph 4(iii) (B).)

The above modifications are made without prejudice to EPA's authority to request more information through service of additional 104e Requests.

EPA agrees to extend the deadline for production of the requested documents to **April 1, 2016**.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely yours,



Frank X. Cardiello
Assistant Regional Counsel
USEPA – Region 2